



August 21, 2001

Mr. Jimmie Honea
Chief Appraiser
Central Appraisal District of Collin County
2404 K Avenue
Plano, Texas 75074-5911

OR2001-3686

Dear Mr. Honea:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 150950.

The Central Appraisal District of Collin County (the "district") received a request for "the appraisal used in determining J.C. Penney's 2001 real estate assessment for land and improvements to land physically located at 6501 Legacy Drive, Plano, Texas, also described as account number R-2851-00D-001A-1." You state that you have provided this office with a representative sample of the requested information.¹ You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 22.27 of the Tax Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered the requestor's comments. Gov't Code § 552.304.

We note that in this instance, the requested information, an appraisal report, was prepared at the request of the district by an outside appraiser. Therefore, the appraisal report is subject to section 25.01(c) of the Tax Code. Section 25.01(c) provides:

A contract for appraisal services for an appraisal district is invalid if it does not provide that copies of the appraisal, together with supporting data, must be made available to the appraisal district and such appraisals and supporting data shall be public records. "Supporting data" shall not be construed to include personal notes, correspondence, working papers, thought processes, or any other matters of a privileged or proprietary nature.

¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Tax Code § 25.01(c). The effect of this provision is to make public the appraisal and "supporting data" which were provided to the district. Therefore, the requested appraisal report is a public record which must be released to the requestor. Because section 25.01(c) of the Tax Code is dispositive, we do not address the additional arguments presented to this office.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

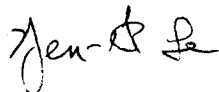
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yen-Ha Le', written in a cursive style.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/DKB/sdk

Ref: ID# 150950

Enc. Submitted documents

c: Mr. James A. Baker, CMI
Property Tax Manager
Electronic Data Systems Corporation
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5400 Legacy Drive
Plano, Texas 75024
(w/o enclosures)